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To Whom It May Concern:

I am writing in regards to docket #00-96 filed by the National Association of Broadcasters (NAB) and the Association of Local Television Stations (ALTV) against Echostar Communications dba Dish Network over the assignment of some stations to the side satellites of 61.5/148 in order to comply with the rules of the Satellite Home Viewer Improvement Act (SHIVA), which went into effect on January 1<sup>st</sup>, 2002.

As a customer of Dish Network, I feel that the actions of the NAB and ALTV are unwarranted due to extenuating circumstances. It is my belief that Dish Network had full intentions of carrying the channels through their two primary orbital slots of 110° and 119°, and had even ordered the two additional satellites to handle the additional capacity through the use of spot-beam technology. However, due to a combination of insurance problems, manufacturing delays, and the events of September 11<sup>th</sup>, 2001, the earliest that one of these satellites will be launched is now late February. Dish's competitor, DirecTV, was successful in launching their spot beam satellite, however, they also encountered delays, and came dangerously close to missing that deadline as well.

The immediate remedy that the NAB and ALTV seek, which is to force Dish Network to carry all locals on the primary orbital slots, is extremely unfeasible. Under the present video compression technology utilized by both Dish Network and DirecTV, the result of squeezing almost 17 channels onto a single transponder would cause an almost unviewable picture for subscribers, and yet another complaint by both the NAB and ALTV.

The other alternative that Dish could pursue is to drop the local markets it already carries. Again, this would pose problems, as all contracts for the carrying of channels in pre-existing markets would have to be renegotiated. Many of these stations use high-speed data lines to supply their signal to DBS provider's point-of-presence (POP), and often have to sign long-term contracts for those lines. Again, this would cause anger by the station owners to be pointed at Dish Network. In addition, the removal of local stations will cause customer dissatisfaction.

While both Dish Network and DirecTV are both fighting the merits of SHIVA in the courts of law, Dish is doing it's best to provide acceptable service until it's permanent solution, which is launching the two spot-beam satellites, can be put into place in the near future. This temporary solution including removal of several pay-per-view channels, the reduction and combining of several informational and promotional channels, and the increase of compression on it's existing lineup with some deterioration in picture quality. However, these moves only gave enough space in the primary orbital slots to carry the additional local UPN, WB, and PBS affiliates as well as the pre-existing NBC, CBS, NBC, and Fox affiliates. These are the broadcast stations that most viewers are most likely to watch.

Dish's decision to carry the other stations on the side satellites was probably a last-resort decision, and one that they probably wanted to avoid. However, Dish has stated on one of their channels, on their web site, and in a letter mailed to subscribers they will install the additional dish and all necessary equipment to receive the additional stations without charge at subscriber's request until the additional satellites are launched and operational. I will agree that this compromise is a band-aid solution at best, but at least it is a temporary solution until the satellites are finally launched and operational.

However you want to look at the situation, the end customer is still getting more local channels than what they were prior to January 1<sup>st</sup>. And, that, I believe, was the goal of SHIVA.

Thank you for your consideration,  
Mark Holtz